

FREDERICK COUNTY BOARD OF APPEALS MEETING MINUTES FOR Thursday, May 26, 2011.

John Clapp, Chair, called to order the regular meeting of the Frederick County Board of Appeals ("Board") for Thursday, May 26, 2011 at 7:00 p.m. in the 1st Floor Hearing Room in Winchester Hall. Present were Carole Jaar Sepe, Brad Dyjak and Mike Bowersox. Also present were Michael Chomel, Senior Assistant County Attorney, and Community Development Division staff Larry Smith, Zoning Administrator, and Rick Brace, Principal Planner, and Erica Cooke, Recording Secretary.

Official Minutes of the Board of Appeals' meetings are kept on file in the Planning Division.

Approval of Minutes

On a motion from Mr. Dyjak, seconded by Mr. Bowersox, the Board approved the minutes of April 28, 2011 (Yea 4, Nay 0, Absent 1 - Duke)

On a motion from Mr. Dyjak, seconded by Mr. Bowersox, the Board approved the minutes of May 2, 2011 (Yea 4, Nay 0, Absent 1 - Duke)

Request for Reconsideration

B-11-02 Liberty Towers, LLC c/o McEvoy and Dean

A request for Reconsideration was filed of the Board's granting of special exception to establish a 195 ft. communications tower/monopole with a 4 ft. lightning rod and 100 ft. x 100 ft. leased area with a 70 ft. x 80 ft. fenced in equipment compound, located on the west side of Harley Road, .4 miles north of Sumantown Road (Tax Map 74, Parcel 240) Zoned Agricultural.

Mr. Bowersox attested to being present at the April 28, 2011 hearing to hear the case and that he had reviewed all material pertinent to the application.

Ms. Sepe made a motion to reconsider the case based on the application's inconsistency with the Comprehensive Plan with respect to Agricultural Preservation as well as discrepancies in the setback from residential properties presented on the site plan versus the NEPA Report.

The motion failed for lack of a second.

As no other member offered a motion for reconsideration, the approval stands.

Case

Mr. Clapp stated the rules and procedures for the hearing and swore in all persons who expected to testify at the meeting for the next case.

B-11-03 New Cingular Wireless PCS, LLC d/b/a AT&T Mobility c/o Saul Ewing, LLP

An application was filed for a special exception to establish a 156 ft. communications tower/monopole including a 6 ft. lightning rod with twelve (12) antennae attached at centerline height of 148 ft. and a 115 ft. x 20 ft. concrete pad within a 50 ft. x 50 ft. compound, located on the west side of Quirauk School Road, 500 ft. northwest at intersection with Foxville Road) Tax Map 17, Parcel 42) Zoned Resource Conservation.

Ms. Sepe made a motion to approve the request on the basis that the Applicant met criteria set forth in Sections 1-19-3.200, 1-19-3.210 and 1-19-8.420, seconded by Mr. Bowersox.

Mr. Dyjak requested to amend the motion to include the requirement that the Applicant provide contact information including tenant/carriers to the Zoning Administrator, that it be updated annually, and that a sign with the same contact information be included on the fencing at the location.

Ms. Sepe agreed to amend the motion.

The Board voted on the amended motion and approved the application. (Yea 4, Nay 0, Absent 1 - Duke)

Announcement

The Board of Appeals will soon have two (2) vacancies. Advertisements are scheduled to be published in the Frederick News Post and interviews are planned for the last week in June. The Chair urged anyone interested to submit an application to the County.

Being no further business, the meeting adjourned at 8:02 p.m.

Respectfully submitted
Erica Cooke
Recording Secretary

_____/s/
John R. Clapp, Chair